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5 Michael B. Stewart

6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 SIMON CHEFFINS and GREGORY JONES,

9 Plaintiffs,

Case No.: 3:09-CV-00130-RAM

10 vs.

11 MICHAEL B. STEWART and DOES
I-V, Inclusive,
12 Defendant(s).

13 MICHAEL B. STEWART

14 Counter-Plaintiff,

15 vs.

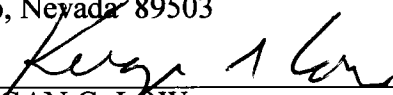
16 SIMON CHEFFINS and GREGORY JONES,
17 Counter-Defendants.

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19 DEFENDANT/COUNTER-PLAINTIFF'S FIRST SUPPLEMENTAL JURY INSTRUCTIONS

20 Defendant/Counter-Plaintiff Michael B. Stewart, by and through his counsel Keegan G.
21 Low of Robison, Belaustegui, Sharp & Low, submit the following proposed First Supplemental
22 Jury Instructions and Verdict Form #4 attached hereto.

23 DATED this 25th day of July, 2012.

24 ROBISON, BELAUSTEGUI, SHARP & LOW
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26 
27 KEEGAN G. LOW
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Attorneys for Defendant/Counter-Plaintiff
28 Michael B. Stewart

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

SIMON CHEFFINS and GREGORY JONES,

Plaintiffs,
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Case No.: 3:09-CV-00130-RAM

MICHAEL B. STEWART and DOES
I-V, Inclusive,
Defendant(s).

MICHAEL B. STEWART

Counter-Plaintiff,

vs.

SIMON CHEFFINS and GREGORY JONES,

Counter-Defendants.

**DEFENDANT/COUNTER-PLAINTIFF'S FIRST SUPPLEMENTAL
JURY INSTRUCTIONS**

DATED: _____

UNITED STATES MAGISTRATE JUDGE

1 Counterclaimant Michael B. Stewart claims that Counter-Defendants Simon Cheffins and
2 Gregory Jones trespassed on his property. To establish this claim, Michael B. Stewart must
3 prove all of the following:

- 4 1. That Michael B. Stewart owned the property;
 - 5 2. That Simon Cheffins and Gregory Jones intentionally, wrecklessly or negligently
6 caused "La Contessa" to enter Michael B. Stewart's property;
 - 7 3. That Michael B. Stewart did not give permission for the entry or that Simon
8 Cheffins and Gregory Jones exceeded Michael B. Stewart's permission;
 - 9 4. That Michael B. Stewart was harmed; and
 - 10 5. That Simon Cheffins' and Gregory Jones' conduct was a substantial factor in
11 causing Michael B. Stewart harm.
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1 An entry on to property is intentional if a person knowingly goes on to the property of
2 another or knowingly causes something to go on to that property.
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1 Counterclaimant Michael B. Stewart claims that Counter-Defendants Simon Cheffins and
2 Gregory Jones interfered with Michael B. Stewart's use and enjoyment of his land. To establish
3 this claim Michael B. Stewart must prove all of the following:

- 4 1. That Michael B. Stewart owned the property;
- 5 2. That Simon Cheffins and Gregory Jones, by acting or failing to act, created a
6 condition or permitted a condition to exist that was an obstruction to the free use of property, so
7 as to interfere with the comfortable enjoyment of life or property;
- 8 3. That this condition interfered with Michael B. Stewart's use or enjoyment of his
9 land;
- 10 4. That Michael B. Stewart did not consent to Simon Cheffins' and Gregory Jones'
11 conduct;
- 12 5. That an ordinary person would be reasonably annoyed or disturbed by Simon
13 Cheffins' and Gregory Jones' conduct;
- 14 6. That Michael B. Stewart was harmed;
- 15 7. That Simon Cheffins' and Gregory Jones' conduct was the substantial factor in
16 causing Michael B. Stewart's harm; and
- 17 8. That the seriousness of the harm outweighs the public benefit of Simon Cheffins'
18 and Gregory Jones' conduct.

1 If you decide that Michael B. Stewart has proved that Simon Cheffins and Gregory Jones
2 committed a trespass or nuisance, Michael B. Stewart may recover damages that would
3 reasonably compensate him for the annoyance and discomfort caused by the injury to his
4 peaceful enjoyment on the property that he occupied.
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